

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GAGANDEEP SINGH,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-cv-00901-SPM
)	
SUMMIT TRUCKING GROUP, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on receipt of plaintiff Gagandeep Singh’s filing fee. For the reasons discussed below, plaintiff will be directed to effectuate service on defendants within ninety days of the date of this order.

Background

Plaintiff is a self-represented litigant who filed a civil action in this Court on August 29, 2022. (Docket No. 1). On October 18, 2022, the Court ordered plaintiff to file an amended complaint on a Court-provided form. (Docket No. 3). The Court further ordered plaintiff to either file a motion for leave to proceed in forma pauperis or pay the entire filing fee. Plaintiff was given thirty days in which to comply.

On November 17, 2022, plaintiff submitted his amended complaint. (Docket No. 5). The amended complaint named Summit Truck Group, Louis Sims, GT Truck Sales, and Does 1 through 5 as defendants. On November 21, 2022, the Court received from plaintiff the \$402 filing fee.

Discussion

In cases where a self-represented litigant is proceeding in forma pauperis, “[t]he officers of the court shall issue and serve all process.” 28 U.S.C. § 1915(d). This provision is compulsory.

Moore v. Jackson, 123 F.3d 1082, 1085 (8th Cir. 1997). As such, a litigant proceeding in forma pauperis is entitled to rely on service by the United States Marshals Service. *See Wright v. First Student, Inc.*, 710 F.3d 782, 783 (8th Cir. 2013). As noted above, however, plaintiff is not proceeding in forma pauperis, but has paid the filing fee. Therefore, plaintiff is responsible for serving defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure. Listed below are two options for service of process.

Option I: Plaintiff may serve defendants with summonses. To do so, plaintiff must submit to the Clerk of Court for each of these defendants: i) a file-stamped copy of his complaint; ii) a completed summons form (AO Form 440); and iii) a completed “Notice of Intent to Use Private Process Server” form. *See* Fed. R. Civ. P. 4(b); and E.D. Mo. L.R. 2.02(B). The “Notice of Intent to Use Private Process Server” form must include the name and address of the process server who will be effectuating service upon defendants. “Any person who is at least 18 years old and not a party may serve a summons and complaint.” *See* Fed. R. Civ. P. 4(c)(2). Plaintiff must complete these forms and return them to the Clerk’s Office. Once plaintiff submits these forms, the Clerk’s Office will sign and seal his summonses and return them to him. The summonses must then be served upon defendants by an appropriate server, and return of service must be filed with the Court. The Court will direct the Clerk of Court to forward the proper forms to plaintiff for each of the three named defendants.

Option II: Plaintiff has the option of electing to serve defendants with the “Waiver of Service” form pursuant to Federal Rule of Civil Procedure 4(d). If plaintiff uses this option, he must fill out a “Waiver of Service” form and send it, along with a copy of the complaint and a self-

addressed and stamped envelope, to each defendant.¹ The Court will order the Clerk of Court to forward these forms with the copy of this order. If defendants choose not to waive service, plaintiff will then need to serve each with a summons.

Plaintiff shall have ninety (90) days from the date of this order in which to serve each defendant. *See* Fed. R. Civ. P. 4(m). Failure to serve a defendant will result in the dismissal of that defendant without prejudice, unless plaintiff demonstrates good cause for the failure.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send to plaintiff: (i) a file-stamped copy of the complaint; (ii) three (3) summons forms; (iii) a “Notice of Intent to Use Private Process Server” form; and (iv) three (3) “Waiver of Service” forms.

IT IS FURTHER ORDERED that plaintiff shall cause service to be effected upon defendants **no later than ninety (90) days from the date of this order**. In the absence of good cause shown, failure to timely serve said defendants shall result in the dismissal of plaintiff’s claims as to said defendants without prejudice.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of November, 2022.

¹ If plaintiff chooses to serve defendants by waiver, he should file a notice with the Court informing the Court of his intention. Additionally, after a defendant signs one copy of the waiver and returns it to plaintiff, plaintiff should file his copy of the signed waiver with the Court.